

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND**

In Re: Michael Bass-Smith,
Anette Bass-Smith

Debtors

Bk No: 1:08-bk-11972
Chapter 13

MICHAEL BASS-SMITH AND)
ANETTE BASS-SMITH)
Plaintiffs)

vs.)

CREDIT SOLUTIONS CORPORATION)
AND FIRST BANK OF DELAWARE)
Defendants)

AP No: 1:08-ap-01081

DEFAULT JUDGMENT

The summons and complaint in this action having been duly served on the above-named defendant and said defendant having failed to plead or otherwise defend in this action, and said default having been duly entered, and upon the annexed declaration of default judgment.

NOW, on motion of Peter M. Iascone, the attorney for the plaintiffs, it is hereby ORDERED and ADJUDGED that Michael Bass-Smith and Anette Bass-Smith, the plaintiffs, do recover of Credit Solutions Corporation whose principle place of business is located at 5454 Ruffin Road, Suite 200, San Diego, California and First Bank of Delaware whose principle place of business is located at 1000 Rocky Run Parkway, Wilmington, Delaware, the defendants', as plead in their second amended complaint as follows:

- A. Impose sanctions against the Defendants jointly and severally, for violating Section 362 of Title 11 of the United States Code by ordering said Defendant to pay monetary damages to the Plaintiffs/Debtors in the sum of \$2,500.00;
- B. Order the Defendants jointly and severally to pay all legal fees and expenses incurred by counsel for the Plaintiffs/Debtors in the amount of \$2,500.00;
- C. Any proof of claim of the Defendants jointly and severally be withdrawn, with prejudice, and that the underlying debt be forever canceled and discharged as an additional sanction provided for under Section 362(k) of Title 11 of the United States Code;

- D. That the Debtors have and recover against the Defendants jointly and severally \$5,000.00 in damages to be paid to the Chapter 13 Trustee for distribution under their Chapter 13 Plan, such award to constitute punitive damages under Section 362(k) of Title 11 of the United States Code;

That the Plaintiffs have execution therefore.

ORDER:

DF

Deputy Clerk

ENTER:



Arthur N. Votolato
U.S. Bankruptcy Judge

Date: 12/16/2009

Entered on Docket: 12/16/2009

Document Number: _____

CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2009 I electronically filed the Judgment by Default with the Clerk of the Bankruptcy Court for the District of Rhode Island using the CM/ECF System. The following participants have received notice electronically: None.

I hereby certify that on November 30, 2009 I have mailed by United States Postal Service, Postage Prepaid, the Judgment by Default and a copy of the Notice of Electronic Filing to the following non-CM/ECF participants:

Credit Solutions Corporation
5454 Ruffin Road, Suite 200
San Diego, CA 92123-1313

First Bank of Delaware
1000 Rocky Run Parkway
Wilmington, DE 19803-1455

/s/ Peter M. Iascone